

## CLAS CIRCULAR 2022/09 (19 JULY 2022)

### Disclaimer

**CLAS is not qualified to advise on the legal and technical problems of members and does not undertake to do so. Though we take every care to provide a service of high quality, neither CLAS, the Secretary nor the Governors undertakes any liability for any error or omission in the information supplied.**

It would be very helpful if members could let us know of anything that appears to indicate developments of policy or practice on the part of Government or other matters of general concern that should be pursued.

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## CHARITIES & CHARITY LAW

### Research into public trust in charities and trustees' experience of their role

For information

The Annual Charity Commission [research](#) on public trust in charities and what trustees think about their duties and public expectations has been published. The report found that public trust in charities has remained steady, whereas public institutions trusted charities less. Most trustees are aware of key responsibilities but there are some gaps around decision making and financial oversight.

[Source: Charity Commission, 14 July]

## FAITH & SOCIETY

### HM Passport Office Clergy Newsletter, edition 14: June 2022

For information **and possibly for action**

HM Passport Office has [published](#) the 14th *Clergy Newsletter* of 2022. The newsletter covers the following:

- [One year on - Marriage Schedule System](#)
- [One year on - return of marriage registers and stock](#)
- [Collaboration](#)
- [Marriage registration – guidance and helpful tips](#)

[Source: HM Passport Office, 29 June]

### Faculty Jurisdiction Rules

For information

The Faculty Jurisdiction (Amendment) Rules 2022 came into force on 1 July. The Church House Legal Office has prepared an informal Keeling Schedule of the Faculty Jurisdiction Rules 2015 incorporating the 2022 amendments into the text, available [here](#).

[Source: Church of England, 1 July]

### Reform of weddings law in England and Wales

For information

The Law Commission published its final recommendations on the reform of weddings law in England and Wales on 19 July.

In [Celebrating Marriage: A New Weddings Law](#), it recommends a wholesale reform of the current law. The principle behind the Commission's proposals is that, under the proposed reforms, regulation of weddings would be switched from *buildings* to *officiants* (as in Scotland and Northern Ireland, where weddings are conducted by registered celebrants). Every wedding would be overseen by an authorised officiant who would have legal responsibility for the wedding and there would be universal rules for all weddings: with very few exceptions, the same rules would apply, meaning that the different laws for different religious groups and for civil weddings would no longer persist. CLAS responded to the Commission's consultations and had two meetings with the project team.

It is now up to the Government to respond to the Commission's recommendations and to bring forward the necessary legislation.

[Source: Law Commission, 19 July]

## NORTHERN IRELAND

### Finance Minister outlines plan for Marriage Law reform

For information **and possibly for action**

The Northern Ireland Executive announced its intention to reform two aspects of local marriage law following the outcome of a [public consultation](#). Minister for Finance, Conor Murphy MLA, issued the following Written Statement.

“The Department’s public consultation on the marriage law ran from 15 November 2021 to 18 February 2022 and considered legislative change with regard to two aspects of the current law on marriage and civil partnership—(i) the inclusion in the marriage law of belief marriage (marriage ceremonies for people who subscribe to non-religious belief systems such as humanism); and (ii) whether the minimum age for marriage and civil partnership—currently 16—should be increased to 18

“Consultation attracted 78 responses—61 online and 17 conventional written responses. A majority of these (54) came from individuals. Organisations that responded included the Church of Ireland, the Catholic Church, and the Presbyterian Church, NI Humanists, the NI Commissioner for Children and Young People (NICCY), the NI Human Rights Commission (NIHRC). The Department also engaged directly with a number of stakeholders including the Rights and Equality Committee of the Youth Assembly.

“With regard to belief marriage, a majority of online respondents (approximately 70%) and all respondents who mentioned the proposal in their written response supported changing the law to put belief marriage on an equal footing with religious marriage. Support for increasing the minimum age for marriage and civil partnership to 18 was close to unanimous.

“In view of these findings, the Minister for Finance, Conor Murphy MLA, has issued a Written Ministerial Statement signalling his preference that work to plan for legislative reform at the earliest opportunity continues while recognising that progress is dependent on there being a functioning Assembly and Executive.”

[Source: Department of Finance, 1 July]

## ODDS & ENDS

### Police, Crime, Sentencing and Courts Act 2022 and positions of trust

For information

[Section 47 of the Police, Crime, Sentencing and Courts Act 2022](#) came into effect on 28 June. It amends the Sexual Offences Act 2003 by inserting a new section 22A into the 2003 Act, thereby expanding the meaning of "position of trust" to include the situation in which:

(a) A coaches, teaches, trains, supervises or instructs B, on a regular basis, in a sport *or a religion*, and

(b) A knows that they coach, teach, train, supervise or instruct B, on a regular basis, in that sport or religion, where "religion" includes "a religion which involves belief in more than one god, and a religion which does not involve belief in a god".' [emphasis added]

[Source: *Legislation.gov*, 28 June]

## PROPERTY & PLANNING

### Fire safety: risk prioritisation in existing buildings

For information

DLUHC has [published](#) its response to its consultation on fire safety in existing buildings. This document presents a high-level summary of responses received to the call for evidence on commissioning research to develop the evidence base on fire safety risk in buildings. This work has informed the policy development of the Department and supports the ongoing full technical review of Approved Document B.

[Source: DLUHC, 1 June]

### Consultation on improving disabled people's access to let residential premises

For information **and possibly for action**

The Equality Hub has [published](#) a consultation – closing 18 August – entitled “Improving disabled people's access to let residential premises: reasonable adjustments to common parts, a new duty”. The proposals would require landlords to make reasonable adjustments to common parts of let properties (such as entrances and hallways) when asked to do so by a disabled person.

[Source: Equality Hub, 9 June]

### Private Rented Housing: Energy Bills Rebate

For information

Owen Thompson MP [asked](#) "the Secretary of State for Business, Energy and Industrial Strategy, if he will make it his policy to require landlords who include tenants energy costs in their rental charges to pass on the Energy Bills Support Scheme credit to their tenants."

Greg Hands MP responded that "Landlords who have a domestic electricity contract with an electricity supplier and resell the electricity to their tenants based on energy usage may be required to comply with the maximum resale price (MRP) rules. The MRP for electricity is currently set as the same price



as that paid by the person reselling it. Under these circumstances, the Government expect landlords to pass on the discount received through tenants. Landlords with a domestic electricity connection who charge 'all inclusive' rent, where a fixed cost for energy costs are included in their rental charges, are strongly encouraged to pass on the discount to their tenants." [Source: Parliament, 18 July]

### Tenancy deposit reform: a call for evidence

For information

DLUHC has [published](#) its response to its consultation on tenancy deposit reform. The Government will continue to explore the findings gathered through this call for evidence with the Tenancy Deposit Protection Working Group. The Working Group will continue to keep under review whether improvements can be made to deposit protection to the benefit of tenants and landlords.

[Source: DLUHC, 16 June]

### The Leasehold Reform (Ground Rent) Act guidance

For information

DLUHC has published [statutory guidance](#) and [user guidance](#) on the Leasehold Reform (Ground Rent) Act 2022, which will commence on 30 June 2022. The Act puts an end to ground rents for most new long residential leasehold properties in England and Wales.

The guidance is directed at enforcing officers in England and explains how the provisions of the Act may affect them and how the act should be enforced. It provides details of the further action that may be taken should anyone not follow the requirements of the Act.

[Source: DLUHC, 23 June]

## SCOTLAND

### Non-Domestic Rates Bill passed

For information

The Scottish Parliament has passed the [Non-Domestic Rates \(Coronavirus\) \(Scotland\) Bill](#). The proposals aim to ensure that the effect of the Coronavirus (COVID-19) pandemic on rateable values can only be considered at revaluation.

[Source: Scottish Government, 21 June]

## TAXATION

### Revenue and Customs Brief 10 (2022): VAT — business and non-business activities

For information **and possibly for action**

HMRC has [published](#) a briefing on VAT — business and non-business activities. This brief explains how HMRC now approaches determining if an activity is a business activity for VAT purposes.

[Source: HMRC, 1 June]